

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Mar 08, 2022**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT RAY ROOT,

Defendant.

No. 1:22-CR-02018-SAB

**PROTECTIVE ORDER  
REGARDING  
IDENTIFICATION OF MINOR  
VICTIMS**

Before the Court is the parties' Stipulation for Protective Order Regarding Identification of Minor Victims Pursuant to 18 U.S.C. § 3509, ECF No. 18. The parties stipulate that the discovery in this matter includes a bona fide identity and/or image of one or more alleged child victims.

Because minor children are involved in this case, the privacy protection measures required by the Child Victims' and Child Witnesses' Rights Act (the "Act"), 18 U.S.C. § 3509, apply in this case. The Act defines a "child" as "a person who is under the age of 18, who is or is alleged to be . . . a victim of a crime of physical abuse, sexual abuse, or exploitation . . . or a witness to a crime committed against another person." 18 U.S.C. § 3509(a)(2). The Act defines "sexual abuse" as including "the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in . . . sexually explicit conduct. 18 U.S.C. § 3509(a)(8).

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1 Good cause exists to enter the Protected Order Regarding Identification of  
2 Minor Victims Pursuant to 18 U.S.C. § 3509 as requested by the parties.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 1. The parties' Stipulation for Protective Order Regarding Identification  
5 of Minor Victims Pursuant to 18 U.S.C. § 3509, ECF No. 18, is accepted.

6 2. The Court enters the following Protective Order Regarding  
7 Identification of Minor Victims Pursuant to 18 U.S.C. § 3509:

8 a. The privacy protection measures mandated by 18 U.S.C. §  
9 3509(d), which apply when a case involves a person under the age  
10 of eighteen years who is alleged to be a victim of a crime of sexual  
11 exploitation, or a witness to a crime committed against another  
12 person, apply to this case.

13 b. All persons acting in this case in a capacity described in 18 U.S.C.  
14 § 3509(d)(1)(B), shall:

15 i. Keep all documents that disclose the names, identities, or  
16 any other information concerning minors in a secure place to  
17 which no person who does not have reason to know their  
18 contents has access;

19 ii. Disclose such documents or the information in them that  
20 concerns minors only to persons who, by reason of their  
21 participation in the proceeding, have reason to know such  
22 information;

23 iii. Not permit Defendant himself to review discovery outside  
24 the presence of defense counsel or a defense investigator;

25 iv. Not permit Defendant to keep discovery in his own  
26 possession outside the presence of defense counsel or a  
27 defense investigator; and

28 v. Not permit Defendant to keep, copy, or record the identities

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of any minor or victim identified in discovery in this case.

- c. All papers to be filed in Court that disclose the names or any other information identifying or concerning minors shall be filed under seal without necessity of obtaining a Court order, and that the person who makes the filing shall submit to the Clerk of the Court:
  - i. The complete paper to be kept under seal; and
  - ii. The paper with the portions of it that disclose the names or other information identifying or concerning children redacted, to be placed in the public record.
- d. The parties and the witnesses shall not disclose minors' identities during any proceedings connected with this case. The parties and witnesses will refer to alleged minor victims only by using agreed-upon initials or pseudonyms (e.g., "Minor Victim 1"), rather than their bona fide names, in motions practice, opening statements, during the presentation of evidence, in closing arguments, and during sentencing.
- e. The United States may produce discovery to the defense that discloses the identity and images of alleged minor victims in this case, in order to comply with the government's discovery obligations. Defendant, the defense team, Defendant's attorneys and investigators, and all of their externs, employees, and/or staff members, shall keep this information confidential as set forth above.
- f. This ORDER shall apply to any attorneys who subsequently become counsel of record, without the need to renew or alter the ORDER.
- g. this ORDER shall apply to the personal identifying information and images of any minors who are identified over the course of the

1 case, whether or not such minors are known to the government  
2 and/or Defendant at the time the ORDER is entered by the Court.

3 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order  
4 and forward copies to counsel.

5 **DATED** this 8th day of March 2022.



10 A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

11 Stanley A. Bastian  
12 Chief United States District Judge  
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